

REMARKS

Claims 1 – 3, 5 – 80, and 83 – 85 were previously pending in this application. By this amendment, claims 1, 9, 70 – 79, and 83 have been amended. New claims 86 – 89 have been added. As a result claims 1 – 3, 5 – 80, and 83 – 89 are pending for examination with claims 1, 9, 70, 79, 86, 88, and 89 being independent claims. No new matter has been added. Support for the amendments and new claims is found, for example, in the specification at page 23, lines 4 – 10, page 30, lines 14 – 19, page 30, lines 27 – 28, and claims 1, 9, 70, and 79 as originally filed.

Rejection under 35 U.S.C. §101

The Office Action rejected claims 1 – 8 under 35 U.S.C. §101, because the claimed invention is directed to non statutory subject matter. Specifically, these claims are rejected because the Examiner alleges that the act of “determining, prior to a game session, a winning pattern” is non-statutory subject matter. Without acceding to the appropriateness of this rejection, Applicant has amended claim 1 and respectfully submits that claims 1 – 8 recite statutory subject matter and overcome this rejection. Accordingly, withdrawal of the rejection of claims 1 – 8 under 35 U.S.C. §101, is respectfully requested.

Rejections Under 35 U.S.C. §103

The Office Action rejected claims 1 – 8 under 35 U.S.C. §103(a) as being unpatentable over Moore, (US 2004/0059445) in view of U.S. Patent No. 5,857,911 to Fioretti, and U.S. Patent No. 6,565,435 to Metke. Applicant respectfully traverses this rejection and submits the following with respect to the Moore, Fioretti, and Metke references.

The Office Action applies only Moore to independent claim 1. (Office Action, pages 5 – 6.) Moore relates to a game display and method for a computer based game of speed bingo in a fixed venue. (Paragraph 35.) In Moore, a game card must have a pattern that matches the winning pattern in order for the player holding that game card to be declared a winner. (Paragraph 34.) As stated in Moore, “[t]he game display and method of the present invention is shown and described in the context of a computer-based game of ‘speed’ bingo in a fixed venue.” (Paragraph 35.) Moore discloses that “in the case of speed bingo... each participant marks his or her card or cards with one of three coins or chips (one for each space) when a matched number is called. When at least one card in play achieves a match for all three

numbers, the cardholder is declared the winner.” (Paragraph 34, parenthesis in original.) Moore also discloses that a window may “display the identified participant’s card or cards, by specifically displaying three numbers arranged in a vertical column for each such card.” (Paragraph 36.)

Therefore, in Moore, every space on a card must be occupied by a number to win the game by covering each space in a three space column with a coin or chip. The operator calls randomly selected numbers, and each participant marks his or her card with one coin or chip for each space when a matched number is called. When a match is achieved for all three numbers, the cardholder is declared the winner. (Paragraph 34.)

Independent claim 1 recites in part:

at least one game card having a pattern, wherein the pattern includes a plurality of rows and a plurality of columns, at least one row or at least one column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot; determining... a winning pattern... wherein the winning pattern includes at least one of the cell that contains the blank spot and the cell that contains the free spot...

Applicant respectfully submits that Moore does not disclose at least the above quoted claim elements.

First, Moore does not disclose “at least one row or at least one column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot” as recited in claim 1. To play the game described in Moore, a card has a single column with three spaces, and in order to win, every space must contain a number. (Paragraphs 34 – 36.) Thus, Moore cannot have “at least one row or at least one column including a cell that contains a blank spot... and a cell that contains a free spot” as recited in claim 1.

Moore states that “[i]n traditional bingo... a bingo card includes twenty five spaces arranged in five rows and five columns (wherein twenty four of the spaces are numbered and one is left blank).” (Paragraph 33.) The single blank spot referred to in traditional bingo is automatically covered with a coin or chip. A single blank spot does not disclose or suggest the separate elements of at least one row or at least one column including “a cell that contains a blank spot... and a cell that contains a free spot” as recited in claim 1.

Second, Moore does not disclose “wherein the winning pattern includes at least one of the cell that contains the blank spot and the cell that contains the free spot” as recited in claim 1. The winning pattern of Moore has three cells, each with a number. (Paragraphs 34 – 36.) The winning pattern of Moore cannot possibly include either “a cell that contains a blank spot” or “a cell that contains a free spot” as recited in claim 1. Moore does not disclose the elements of “a cell that contains a blank spot” and “a cell that contains a free spot,” and, contrary to claim 1, the winning pattern of Moore includes neither of these elements. (Paragraph 34.) Further, any pattern of Moore modified to include these elements would no longer be a winning pattern, which would render Moore nonfunctional.

Although the Office Action cites only Moore with respect to claim 1, neither Fioretti nor Metke cure the deficiencies of Moore. Fioretti discloses a method and apparatus to enable bingo to be played in real time at locations that are remote from the location where the numbers used to play the game are selected. (Column 6, lines 14 – 18.) Fioretti, like Moore, does not disclose wherein “the pattern includes a plurality of rows and a plurality of columns, at least one row or at least one column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot... wherein the winning pattern includes at least one of the cell that contains the blank spot and the cell that contains the free spot” as recited in claim 1.

Metke is an amusement game that is not a wagering game. (Abstract.) Metke discloses a method for authorizing the cost-free play of an amusement game. (Column 1, lines 50 – 52.) Metke, like Moore and Fioretti, does not disclose “the pattern includes a plurality of rows and a plurality of columns, at least one row or at least one column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot... wherein the winning pattern includes at least one of the cell that contains the blank spot and the cell that contains the free spot” as recited in claim 1.

MPEP 2143.03 instructs that all limitations of a claim must be considered and given weight. Because neither Moore nor Fioretti nor Metke disclose “the pattern includes a plurality of rows and a plurality of columns, at least one row or at least one column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot... wherein the winning pattern includes at least one of the cell that contains the blank spot and the cell that contains the free spot” as recited in claim 1, no combination of these documents can

possibly form a basis for rejecting of this claim, or claims 2, 3, and 5 – 8 that depend there from, under 35 U.S.C. §103(a). Accordingly, withdrawal of this rejection is respectfully requested.

The Basic Requirements of a Prima Facie Case of Obviousness Have Not Been Met:

Moore is the only reference applied to the obviousness rejection of claim 1. (Office Action, page 5 and 6.) The Examiner references “traditional bingo” and states that “[a]ny form of the blank/wild spot on a Bingo card would be obvious in view of KSR.” Applicant submits, respectfully, that this statement does not constitute a prima facie showing of obviousness in view of Moore alone or in combination with any other reference.

First, Moore cannot be combined with what the Examiner asserts is “traditional bingo” because such a combination would render Moore unsatisfactory for its intended purpose. MPEP 2143.01V states “if [a] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.”

Moore states that “[b]y way of general background... in traditional bingo... a bingo card includes twenty five spaces... (wherein twenty four of the spaces are numbered and one is left blank).” (Paragraph 33, parenthesis in original.) Moore then distinguishes the invention of Moore from this traditional bingo by requiring that every space in the game of Moore be occupied by a number. (Paragraphs 34 – 36.) As stated in Moore, “[t]he game display and method of the present invention is shown and described in the context of a computer-based game of ‘speed’ bingo in a fixed venue.” (Paragraph 35.) Moore continues to state that “in the case of speed bingo... each participant marks his or her card or cards with one of three coins or chips (one for each space) when a matched number is called. When at least one card in play achieves a match for all three numbers, the cardholder is declared the winner.” (Paragraph 34.) Moore further requires that sectors in a participant window may “display the identified participant’s card or cards, by specifically displaying three numbers arranged in a vertical column for each such card.” (Paragraph 36.)

Moore explicitly states that the “present invention” of Moore is “speed bingo” where each of three spaces is occupied by a number. This game is only won when all three numbers are matched on a three space card having one number for each space. Moore explicitly distinguishes its invention of “speed bingo” with three spaces, each having a number, from “traditional bingo”

with 24 spaces having a number and one space left blank. If the “speed bingo” invention of Moore were modified to include either a free spot or a blank spot, it is not possible to “achieve a match for all three numbers” as required by Moore to win. Such a modification to include a blank spot or free spot in Moore would render Moore nonfunctional for its intended purpose because it would no longer be possible to win “speed bingo” by achieving a match for “all three numbers”, which is the disclosed way of determining a winner in Moore. Any such combination would therefore be improper under MPEP 2143.01V.

Second, any such modification would also change the principle of operation of Moore if such a modification were to allow a player to win a game of “speed bingo” with a match for anything other than “all three numbers.” This would be a different game than the game that is the invention of Moore. This new game would have different requirements in which a winner would be declared. Moore operates on the principle that a winning pattern is achieved when all three numbers are matched. A change in the way to win the game that is the invention of Moore would change the principle of operation of Moore, and any such combination would be improper under MPEP 2143.01VI.

Third, Applicant respectfully submits that the statement “[a]ny form of... a Bingo card would be obvious in view of KSR” is improper. MPEP 2143 cites the Supreme Court decision of *KSR International Co. v. Teleflex Inc* and states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.” Applicant submits, respectfully, that a statement that any form of a Bingo card would be obvious in view of KSR does not meet the basic requirements of establishing a prima facie case of obviousness because none of the rationales required by MPEP 2143 to support a conclusion that claim 1 would have been obvious have been articulated.

Fourth, Applicant respectfully traverses this apparent finding of official notice under MPEP 2143C. Specifically, Applicant respectfully submits that the Examiner’s assertions of traditional bingo are not considered to be common knowledge or well-known in the art. The assertions regarding traditional bingo, free spots, wild spots, and blank spots are not capable of instant and unquestionable demonstration as being well known in the art. If, respectfully, the Examiner is relying on personal knowledge to support a finding of what is known in the art,

Applicant respectfully requests an affidavit or declaration setting forth specific factual statements and an explanation to support the finding, so that the Applicant may traverse with particularity the factual statements. (MPEP 2143C, see also 37 CFR 1.104(d)(2).)

For these reasons, Moore cannot be combined with what the Examiner asserts is “traditional bingo,” and accordingly withdrawal of this rejection is respectfully requested.

The Office Action rejected claims 9 – 85 under 35 U.S.C. §103(a) as being unpatentable over Moore in view of Metke, in further view of Bryant (US 2004/007722 A1) and in further view of Torango (US 2002/0042297 A1). Applicant respectfully traverses this rejection and submits the following with respect to the Moore, Metke, Bryant, and Torango references.

Independent claim 9 recites in part:

wherein each of the one or more game cards includes a plurality of cells arranged in a pattern... the pattern including a plurality of rows and a plurality of columns, each row or each column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot; a winning cell matching pattern for the game session, wherein the winning pattern includes at least one of the cell that contains the blank spot and the cell that contains the free spot...

Applicant respectfully submits that none of the cited documents disclose at least the above quoted claim elements. With reference to the above discussion regarding claim 1, Moore does not disclose “the pattern including a plurality of rows and a plurality of columns, each row or each column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot... wherein the winning pattern includes at least one of the cell that contains the blank spot and the cell that contains the free spot” as recited in claim 9. To the contrary, and as discussed above, the winning pattern of Moore does not include these elements, and any pattern of Moore modified to include these elements would no longer be a winning pattern, which would render Moore nonfunctional.

Although the Office Action cites only Moore with respect to claim 9, neither Metke, nor Bryant, nor Torango, cure the deficiencies of Moore.

Metke is an amusement game that is not a wagering game. (Abstract.) Metke discloses a method for authorizing the cost free play of an amusement game. (Column 1, lines 50 – 52.)

Metke, like Moore, does not disclose “the pattern including a plurality of rows and a plurality of columns, each row or each column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot... wherein the winning pattern includes at least one of the cell that contains the blank spot and the cell that contains the free spot” as recited in claim 9.

Bryant discloses gaming machines such as slot machines that operate in a normal mode and in a loyalty-enhanced mode where players can accumulate loyalty points. (Paragraph 5.) Torango discloses progressive gaming systems and methods where players can accept wagers in different currencies or in different denominations so that the players can share in the possibility of winning common progressive prizes. (Paragraph 28.) Like Moore and Metke, neither Bryant, nor Torango disclose “the pattern including a plurality of rows and a plurality of columns, each row or each column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot... wherein the winning pattern includes at least one of the cell that contains the blank spot and the cell that contains the free spot” as recited in claim 9.

MPEP 2143.03 instructs that all limitations of a claim must be considered and given weight. Because neither Moore, nor Metke, nor Bryant, nor Torango disclose “the pattern including a plurality of rows and a plurality of columns, each row or each column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot... wherein the winning pattern includes at least one of the cell that contains the blank spot and the cell that contains the free spot” as recited in claim 9, no combination of these documents can possibly form a basis for rejecting of this claim, or claims 10 – 69 that depend there from, under 35 U.S.C. §103(a). Accordingly, withdrawal of this rejection is respectfully requested.

The Basic Requirements of a Prima Facie Case of Obviousness Have Not Been Met:

Moore is the only reference applied to the obviousness rejection of claim 9. (Office Action, pages 9 – 11.) Applicant submits, respectfully, a prima facie showing of obviousness in view of Moore and any other reference has not been made for the reasons discussed above with respect to claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Independent claim 70 recites in part:

each of the one or more game cards has cells arranged in a pattern... the pattern including a plurality of rows and a plurality of columns, at least one row and at least one column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot... wherein the winning cell pattern includes at least one of the cell that contains the blank spot and the cell that contains the free spot...

Applicant respectfully submits that none of the cited documents disclose at least the above quoted claim elements. With reference to the above discussion regarding claim 1, Moore does not disclose “the pattern including a plurality of rows and a plurality of columns, at least one row and at least one column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot... wherein the winning cell pattern includes at least one of the cell that contains the blank spot and the cell that contains the free spot” as recited in claim 70. To the contrary, and as discussed above, the winning pattern of Moore does not include these elements, and any pattern of Moore modified to include these elements would no longer be a winning pattern, which would render Moore nonfunctional.

Although the Office Action cites only Moore with respect to claim 70, neither Metke, nor Bryant, nor Torango, cure the deficiencies of Moore as none of these references disclose “the pattern including a plurality of rows and a plurality of columns, at least one row and at least one column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot... wherein the winning cell pattern includes at least one of the cell that contains the blank spot and the cell that contains the free spot” as recited in claim 70.

MPEP 2143.03 instructs that all limitations of a claim must be considered and given weight. Because neither Moore, nor Metke, nor Bryant, nor Torango disclose a “the pattern including a plurality of rows and a plurality of columns, at least one row and at least one column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot... wherein the winning cell pattern includes at least one of the cell that contains the blank spot and the cell that contains the free spot” as recited in claim 70, no combination of these documents can possibly form a basis for rejecting of this claim, or claims 71 – 78 that depend there from, under 35 U.S.C. §103(a). Accordingly, withdrawal of this rejection is respectfully requested.

The Basic Requirements of a Prima Facie Case of Obviousness Have Not Been Met:

Moore is the only reference applied to the obviousness rejection of claim 70. (Office Action, pages 19 – 20.) Applicant submits, respectfully, a prima facie showing of obviousness in view of Moore and any other reference has not been made for the reasons discussed above with respect to claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Independent claim 79 recites in part:

the pattern including a plurality of rows and a plurality of columns, at least one row or at least one column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot; determining, prior to a game session, a winning pattern that includes at least one of the cell that contains the blank spot and the cell that contains the free spot...

Applicant respectfully submits that none of the cited documents disclose at least the above quoted claim elements. With reference to the above discussion regarding claim 1, Moore does not disclose “the pattern including a plurality of rows and a plurality of columns, at least one row or at least one column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot... [and] a winning pattern that includes at least one of the cell that contains the blank spot and the cell that contains the free spot” as recited in claim 79. To the contrary, and as discussed above, the winning pattern of Moore does not include these elements, and any pattern of Moore modified to include these elements would no longer be a winning pattern, which would render Moore nonfunctional.

Although the Office Action cites only Moore with respect to claim 79, neither Metke, nor Bryant, nor Torango, cure the deficiencies of Moore as none of these references disclose “the pattern including a plurality of rows and a plurality of columns, at least one row or at least one column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot... [and] a winning pattern that includes at least one of the cell that contains the blank spot and the cell that contains the free spot” as recited in claim 79.

MPEP 2143.03 instructs that all limitations of a claim must be considered and given weight. Because neither Moore, nor Metke, nor Bryant, nor Torango disclose “the pattern including a plurality of rows and a plurality of columns, at least one row or at least one column including a cell that contains a blank spot, a cell that contains a numbered spot, and a cell that contains a free spot... [and] a winning pattern that includes at least one of the cell that contains

the blank spot and the cell that contains the free spot” as recited in claim 79, no combination of these documents can possibly form a basis for rejecting of this claim, or claims 80 and 83 – 85 that depend there from, under 35 U.S.C. §103(a). Accordingly, withdrawal of this rejection is respectfully requested.

The Basic Requirements of a Prima Facie Case of Obviousness Have Not Been Met:

Moore is the only reference applied to the obviousness rejection of claim 70. (Office Action, pages 19 – 20.) Applicant submits, respectfully, a prima facie showing of obviousness in view of Moore and any other reference has not been made for the reasons discussed above with respect to claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Independent Claim 86 recites in part:

the game card having a pattern; identifying, prior to a game session, a winning pattern; drawing the winning pattern... determining that the pattern does not match the winning pattern; and providing a payout to the player, wherein the pattern of the game card associated with the player does not match the winning pattern

Applicant respectfully submits that Moore does not disclose at least the above quoted claim elements. Moore discloses that “[w]hen at least one card in play achieves a match for all three numbers, the cardholder is declared the winner.” (Paragraph 34.) The game of Moore proceeds by the operator calling randomly selected numbers, and the players mark their cards with chips when a matched number is called. When a number corresponding to one of the three numbered spaces of a player’s game card is called, there is a match and the player will cover that space with a coin or chip. (Paragraph 34.) A player whose game card matches the called numbers (i.e., a winning player) is paid from a prize pool. (Paragraph 34.) Thus, Moore discloses a game where a player is paid from a prize pool when the numbers on a game card match a winning pattern of numbers. (Paragraph 34.)

The game in Moore continues until a game card achieves a winning pattern. (Paragraph 40.) When the winning pattern is achieved the game ends and prizes are awarded to the winning player. (Paragraph 40.) As Moore states, “the game starts and... numbers are randomly selected... and each participants card is automatically marked according to number matches.” (Paragraph 40.) The game of Moore continues, and when “one or more cards has achieved the

winning pattern, ‘bingo’ is called... At this time, the game terminates [and] prizes are credited to the winner.” (Paragraph 40.)

Moore does not disclose “the game card having a pattern; identifying, prior to a game session, a winning pattern; drawing the winning pattern... determining that the pattern does not match the winning pattern; and providing a payout to the player, wherein the pattern of the game card associated with the player does not match the winning pattern” as recited in claim 1. To the contrary, Moore credits the winner with prizes only when a game card matches a winning pattern. (Paragraph 52.) The game described in Moore proceeds “with numbers randomly selected until each game is concluded by one or more cards achieving the winning pattern.” (Paragraph 52.)

Moore discloses ranking the status of players during game play. (Paragraph 43.) This real-time ranking during game play allows players to compare their ranking to the rankings of other game participants to assess chances of winning a game, and these rankings are unrelated to payouts. Moore simply does not “provid[e] a payout to the player, wherein the pattern of the game card associated with the player does not match the winning pattern” as recited in claim 86. (See Moore at paragraphs 43 and 53.) In Moore, a player must achieve to winning pattern to terminate the game and be credited with a prize. (Paragraph 40.)

None of the other cited documents cure the deficiencies of Moore. Fioretti discloses a method and apparatus to enable bingo to be played in real time at locations that are remote from the location where the numbers used to play the game are selected. (Column 6, lines 14 – 18.) Fioretti requires that “a genuine winning array has been sold” in order to verify a winner. (Column 4, lines 3 – 5.) The winner in Fioretti is the participant having a card where a predetermined shape or pattern is reproduced on the card that matches the winning array. (Column 7, lines 48 – 55.) When a card matches the winning array, the game is terminated and a prize is awarded to the player having the winning game card array. (Column 7, line 56 to column 8, line 4.)

In Fioretti, “the object of the game is to be the first player to have a set of randomly called symbols coincide with the marked symbols on the players board so as to form the specified shape or pattern.” Fioretti would not function for its intended purpose if Fioretti were modified to provide a payout to a player associated with the pattern that does not match the winning pattern. Any such modification would directly teach away from the object of Fioretti.

Fioretti, like Moore, does not disclose “the game card having a pattern; identifying, prior to a game session, a winning pattern; drawing the winning pattern... determining that the pattern does not match the winning pattern; and providing a payout to the player, wherein the pattern of the game card associated with the player does not match the winning pattern” as recited in claim 86.

Metke is an amusement game that is not a wagering game. (Abstract.) Metke discloses a method for authorizing the cost-free play of an amusement game. (Column 1, lines 50 – 52.) Metke, like Moore and Fioretti, does not disclose “the game card having a pattern; identifying, prior to a game session, a winning pattern; drawing the winning pattern... determining that the pattern does not match the winning pattern; and providing a payout to the player, wherein the pattern of the game card associated with the player does not match the winning pattern” as recited in claim 86.

Bryant discloses gaming machines such as slot machines that operate in a normal mode and in a loyalty-enhanced mode where players can accumulate loyalty points. (Paragraph 5.) Torango discloses progressive gaming systems and methods where players can accept wagers in different currencies or in different denominations so that the players can share in the possibility of winning common progressive prizes. (Paragraph 28.) Like the other cited documents, neither Bryant nor Torango disclose “the game card having a pattern; identifying, prior to a game session, a winning pattern; drawing the winning pattern... determining that the pattern does not match the winning pattern; and providing a payout to the player, wherein the pattern of the game card associated with the player does not match the winning pattern” as recited in claim 86.

MPEP 2143.03 instructs that all limitations of a claim must be considered and given weight. Because none of the cited documents disclose “the game card having a pattern; identifying, prior to a game session, a winning pattern; drawing the winning pattern... determining that the pattern does not match the winning pattern; and providing a payout to the player, wherein the pattern of the game card associated with the player does not match the winning pattern” as recited in claim 86, none of these documents, alone or in combination, can possibly form a basis for rejecting of this claim, or claim 87 that depends there from. Accordingly, allowance of these claims are respectfully requested.

Independent Claim 88 recites in part:

a game card having a cell pattern; a winning cell pattern for the game session, wherein the winning cell pattern is drawn from a set of cell patterns;... wherein at least part of the payout is provided to the player when the cell pattern does not match the winning cell pattern.

Applicant respectfully submits that none of the cited documents disclose at least the above quoted claim elements. With reference to the above discussion regarding claim 86, none of the cited documents, alone or in combination, disclose or suggest “a game card having a cell pattern; a winning cell pattern for the game session, wherein the winning cell pattern is drawn from a set of cell patterns;... wherein at least part of the payout is provided to the player when the cell pattern does not match the winning cell pattern” as recited in claim 88. Accordingly, allowance of this claim is respectfully requested.

Independent Claim 89 recites in part:

A computer-readable medium... to perform a method for conducting a game... providing the game card to the player, the game card having a pattern; determining, prior to a game session, a winning pattern; drawing the winning pattern from a set of cell content; determining that the pattern does not match the winning pattern; and providing a payout to the player associated with the game card that has the pattern that does not match the winning pattern.

Applicant respectfully submits that none of the cited documents disclose at least the above quoted claim elements. With reference to the above discussion regarding claim 86, none of the cited documents, alone or in combination, disclose or suggest “providing the game card to the player, the game card having a pattern; determining, prior to a game session, a winning pattern; drawing the winning pattern from a set of cell content; determining that the pattern does not match the winning pattern; and providing a payout to the player associated with the game card that has the pattern that does not match the winning pattern” as recited in claim 89. Accordingly, allowance of this claim is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. No. R0586-701010.

Respectfully submitted,

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